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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,754	04/02/2004	Masao Takeshima	0505-1290PUS1	9965
2292	7590	08/30/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			BROWN, DREW J	
			ART UNIT	PAPER NUMBER
			3616	
DATE MAILED: 08/30/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/815,754		TAKESHIMA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Drew J. Brown		3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 10-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date: _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/2/04</u> .                                                              | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because of minor informalities. In line 8, "assemblies to have" should be changed to --assemblies have--. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 16 recites the limitation "said shock absorber" in line 2. Claim 16 also recites the limitation "said corner" in line 3. There is insufficient antecedent basis for these limitations in the claim. The examiner has examined claim 16 as if it depends from one of claims 11-15, all of which contain allowable subject matter.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-9 and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishii et al. (U.S. Pat. No. 6,702,058 B2).

With respect to claims 1-3, 7-9, and 17-20, the examiner interprets the frame structure as follows (Figure 5):

A body frame is divided into a front assembly (14) having a closed loop structure (formed by tubes 19, 31, and the tube connecting the bottoms of tubes 19), an engine support system assembly (15) having a closed loop structure (formed by tubes 39, 47, and 49), and a rear suspension support system assembly (16) having a closed loop structure (bottom triangular portion of assembly 16 in Figure 5 has a closed loop formed by tube 55, 56, and the tube connecting an intermediate portion of tubes 55 and 56). A front suspension support portion (23, 25, 27) and a steering support portion (32, 33) are provided on the front assembly, and the steering support portion is also provided on the engine support system assembly when assembled (as shown in Figure 2). The front assembly has a steering support system closed loop structure in the front (formed by tubes 19, 32, and the tube connecting the bottoms of tubes 19), and a connecting member (32, 33) is connected to the engine support system assembly and extends rearwardly from the steering support system closed loop structure. Ishii et al. also discloses a method of manufacturing the frame, where each unit is formed separately and then connected (column 3, lines 22-26).

With respect to claims 1-3, 4-6, and 17-19, the examiner interprets the frame structure as follows (Figure 2):

A body frame is divided into a front assembly having a closed loop structure (formed by tubes 21 and 30), an engine support system assembly having a closed loop structure (formed by tubes 19, 20, 39, and 40), and a rear suspension support system assembly (16) having a closed loop structure (bottom triangular portion of assembly 16 in Figure 5 has a closed loop formed by tube 55, 56, and the tube connecting an intermediate portion of tubes 55 and 56). A steering support portion (32, 33) is provided on the engine support system and is provided indirectly on the front assembly (via tubes 19). The engine support system assembly includes a pair of left and right engine support system closed loop structures (formed by tubes 19, 20, 39, and 40) connected by an engine support system cross member (47 or 48). Ishii et al. also discloses a front suspension support portion (25) provided on the front assembly.

***Allowable Subject Matter***

7. Claims 10-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claim 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kajikawa et al., Yamaguchi, Eastman, Kumasaka et al., Rasidescu et al., Kalhok et al., and Gagnon et al. disclose similar frame structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
7/25/06

Drew J. Brown  
Examiner  
Art Unit 3616

**PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**